Supreme Court, U.S.
FILED
051339 DEC 6 - 2005
OFFICE OF THE CLERK

NO.

IN THE SUPREME COURT OF THE UNITED STATES

DARRYL LEE HAAN PETITIONER

V.

MICHIGAN ATTORNEY GENERAL . et al RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO

THE U.S. SUPREME COURT

CASE NO. 04-2261 U.S. COURT OF APPEALS

FOR THE SIXTH CIRCUIT COURT

THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

CASE NO. 103-CV- 803

PETITION FOR WRIT OF CERTIORARI

DARRYL LEE HAAN

10118 JUNGLE ST

NEW PORT RICHEY . FLORIDA. 34654

727- 809-0832

QUESTIONS PRESENTED

1. WHY THE PETITIONER, FOURTEENTH AND FIFTH AMENDMENT RIGHTS WERE VIOLATED IN STATE COURTS AND FEDERAL COURTS, ACT 14 U.S.C., RULE 13, U.S.C. R.

2. WHY WERE STATE AND FEDERAL RULES, GUIDELINES AND LAWS WERE VIOLATED AGAINST PETITIONER RULE 13., U.S.C. R., FED

3. WHY THE DEFAULT JUDGEMENT AGAINST THE RESPONDENT WAS NOT GIVEN TO THE PETITIONER AFTER DEFAULT WAS ASKED FOR BY PETITIONER, FED. R. 55.

4.WHY WERE THE RESPONDENTS ALLOWED TO FILE OUTSIDE OF THE COURT CASE AGAINST THE PETITIONER DURING THE CASE IN COURT ALREADY. FED.R. 8. 13

5. WHY TERMANATION RIGHTS WERE NEVER TAKEN AGAINST THE PETITIONER IN STATE COURTS

ACT 288 of 1939 SEC.37 712A.19b

6.. WHY THE PETITIONER WAS NEVER TOLD OF MOLESTING AND ABUSE OF MINOR CHILDREN

U.S.C. AMENDMENT ART. 14 . 5

PROOF OF SERVICE

DARRYL LEE HAAN

PETITIONER

10118 JUNGLE ST

NEW PORT RICHEY , FLORIDA. 34654

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20530-0001

CORPRATE DISCLOSURE STATEMENT

NONE

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THE U.S. COURT OF APPEALS DECIDED CASE

NO. 04-2261 ON SEPTEMBER 8. 2005

REHEARING DENIED & NO JURISDICTION

PARENTAL RIGHTS ISSUSE AND CONSTATITIONAL RIGHTS

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BECAUSE OF NEGLIGENCE OF THE RESPONDENTS

ACT 170 OF 1964 . 691.1410

ACT 170 OF 1964 691. 1411

1995 MICHIGAN ATTORNEY GENERAL

KENT COUNTY FRIEND OF THE COURT

PLACED INTO FOSTERCARE . MY TWO MINOR CHILDREN FORMER WIFE AND NEW HUSBAND . ABUSED AND MOLESTED CHILDREN .THE LAW REQUIRES CHILDREN BE PLACED WITH THE OTHER PARENT WITH RIGHTS BEFORE FOSTERCARE CAN BE DONE. PETITIONER HAD ALL HIS RIGHTS TO HIS SUCH CHILDREN AND WAS PAYING SUPPORT. NO SUCH TIME DID THE RESPONDENTS EVER EVEN NOTIFY THE PETITIONER OF PLACEMENT OR A TERANATION OREDER EVER ISSUDED.

PETITIONER HAS SAID IT'S A VIOLATION OF DUE PROCESS . FOR YEARS THE RESPONDENTS HAD A CHANCE TO NOTIFY THE PETITIONE 17 YEARS OF LOOKING FOR SUCH CHILDREN LETTERS AND ASKING FOR IMFORMATATION ON CHILDREN THE PETITIONER WAS FORCE TO BRING LEGAL ACTION. IN 2004. THE PETITIONER . FOUND HIS CHILDREN AND FOUND OUT ABOUT THE ABUSE AND MOLESTING OF CHILDREN IN THE STATES HANDS AND ABUSE AND MOLESTING OF MY CHILDREN FOR YEARS.

IN 2002 . PETITIONER ASKED . THE U.S. SUPREME COURT FOR PERMISHION TO FILE AND INVESTAGATE FURTHER AND BRING LEGAL ACTION TO THE U.S. SUPREME COURT THE U.S. SUPREME COURT . FILED AND SAID . LOWER COURTS . OPINIONS MUST BE AMENDED TO THE CASE FIRST.

WHEN PETITIONER WAS FILING FOR THE LOWER COURTS OPINIONS . THE RESPONDENTS . HARRASS AND THREATEN. PETITIONER TOLD AND WROTE TO THE RESPONDENTS TO STOP VIOLATING THE FEDERAL RULES OF COURT PROCEEDURES AND GUIDELINES . PETITIONER ,ASKED FOR PERMISHION FIRST ALREADY BY , THE U.S. SUPREME COURT

PETITIONER FILED WITH THE UNITED STATES DISTRICT COURT OF MICHIGAN ,.WESTERN DISTRICT OF MICHIGAN . SOUTHERN DIVISION . THE COURT SET DATES OF 20 DAYS TO ANSWER THE SUMMONS. ONE OF THE RESPONDENTS DID NOT ANSWER AFTER 3 MONTHS . THE PETITIONER FILED FOR A DEFAULT JUDGEMENT OF HALF OF 50,000,000 FOR DEFAULT THE OTHER HALF TO SET A DATE FOR TRIAL OR AWARD ON BEHALF OF THE COURT RECORDS.THAT SHOW THE VIOLATIONS HAPPEN TO THE PETITIONER AND CHILDREN.

HON. JOSEPH G. SCOVILLE . RECONNEDMENDED THAT THE CASE BE DISMISSED ON . THAT A TERRANATION OF RIGHTS ORDER WAS NOT NEEDED IN COURT. AND BECAUSE THE RESPONDENTS DID NOT ANSWER THE SUMMONS . WAS NOT A GOOD ISSUSE TO SET A COURT DATE. AND LACKED JURISDICTION

THE RESPONDENTS FILED OUTSIDE OF FEDERAL CASE 1:03-CV-803 . HARRASSING THREATING , AND ATTEMPTED TO HAVE THE PETITIONER LOCKED UP ON FAKE AND FALSE CHARGES IN THE STATE OF FLORIDA.

THE RESPONDENT FILED MANY LOWER COURT RECORDS THAT SHOW NO TERMANATION ORDER WAS TAKEN OR RIGHTS TERMANATED . CHILDREN WERE ABUSED AND MOLESTED. AND STILL NO COURT DATE.

APPEALED TO THE SIXTH CIRCUIT COURT OF APPEALS . IN THE TIMELY MATTER. FILED THE RESPONDENTS STILL HARRASS AND THREATEN AND AGAIN FILE OUTSIDE OF FEDERAL CASE 04-2261 IN FLORIDA STATE COURTS TO HAVE THE PETITIONER LOCKED UP ON FAKE AND FALSE CHARGES.

THE PETITIONER HAS FOLLOWED ALL THE COURT RULES AND DONE EVERYTHING THE COURTS ORDERED THE PETITIONER TO DO.

APPEALS CASE , 04-2261 , HON. KENNEDY , CLAY, GILMAN , CIRCUIT JUDGES , RULED ,

THE PETITIONER HAS PARENTAL ISSUSES AND ISSUSES OF THE 14TH AND 5TH AMENDMENTS RIGHTS IN THE CASE , 04-2261 , AND THE DEFAULT JUDGEMENT SHOULD HAVE BEEN THE FIRST CHARGE , THE PETITIONER SHOULD HAVE ASKED FOR IN THE APPEALS . THE PETITIONER DID IN FACT FILE FOR AND ASK FOR A DEFAULT JUDGEMENT AND DENIED

IN THE APPEALS CASE . 04-2261 . WAS FILED A ADDMITTION OF GUILT BY THE STATE ATTORNEY GENERAL OF FLORIDA ONBEHALF OF THE STATE OF MICHIGAN. FLORIDA SEEN THE TRUTH AND COURT RECORDS, AND RULED THE STATE OF FLORIDA DOES NOT WANT ANY PART OF THE VIOLATIONS OF THE RESPONDENTS ACTIONS TAKEN AGAINST THE PETITIONER

PETITIONER FILED FOR A REHEARING ON SEPTEMBER 08 ,2005 . IN A TIMELY MATTER AND WAS DENIED.

U.S.C. RULE 13 . SAY PETITIONER HAS 90 DAYS TO FILE A APPEAL WITH THE U.S. SUPREME COURT. BEFORE THE 90 DAYS . THE RESPONDENTS AGAIN HARRASS AND THREAT THE PETITIONER DURING THE APPEAL PROCESS AND AGAINST THE U.S.C. RULE 13.

HIDING THE FACTS AND RECORDS OF ABUSE AND OR CHILD MOLESTATION OF MINOR CHILDREN OF PETITIONER . DARRYL LEE HAAN.

FILING OUTSIDE OF FEDERAL COURT CASES DISTRICT COURT AND APPEALS COURT DURING ONGOING FEDERAL CASE AGAINST PETITIONER PAIN AND SUFFERING AND DAMAGES ONGOING AS OF TODAY IN THE U.S. SUPREME COURT CASE

THE PETITIONER IS BEFORE THE COURT ASKING FOR THE PARENTAL RIGHTS AND CONSTATIONAL RIGHTS BE UPHELD AND RULED UPON.

HOW MUCH IS ENOUGH IN THE UNITED STATES OF AMERICA . I ASK THIS U.S. SUPREME COURT AND JUSTICES TO SET THE RECORD STRAIT AND RULE TO UPHOLD THE LAWS THAT ARE WRITTEN .

JANUARY 31, 2006 DARRYL LEE HAAN , PETITIONER

APRIL 18, 2006 11. Darryl Haan

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SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON . DC 20543-0001

WILLIAM SUTER SEPTEMBER 5 . 2002

CLERK OF THE COURT

DARRYL LEE HAAN

10118 JUNGLE ST

NEW PORT RICHEY . FL. 34654

RE. HAAN V. ATTORNEY GENERAL OF MICHIGAN

The above- entitled petetion for writ of certiorari was postmarked August 26, 2002 and received Septemnber 3, 2002, The papers are returned for the folling reasons.

the lower courts opinions . must be appended.

It is impossible to determine the timeliness of the petition Without the lower courts opinions.

Please correct and resubmit as soon as possible . unless the Petition is received by this office in corrected form within 60

Days of the date of this letter , the petition will not be filed.

A copy of the corrected petition must be served on opposing counsel.

Sincerely.

William K. Suter. Clerk

By Clayton R. Higgins , Jr.

(202) 479-3019

Enclosures

Cc: Jennifer Granholm

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION case no. 8;03-cv-2214-T-26MSS

DARRYL LEE HAAN FILED NOV-3 AH 10;23

Plaintiff CLERK OF THE DISTRICT COURT

v. TAMPA , FLORIDA

ATTORNEY GENERAL OF THE STATE OF MICHIGAN,

LEISA ARDNT, and , ROBERT ARDNT

Defendants

ORDER OF TRANSFER

Pro se Plaintiff filed a civil rights complaint on October 27 ,2003 . The allegations in the complaint are based upon incidents which occurred during proceedings before the 17th circuit court in kent county . grand rapids michigan. Therefore, the proper venue for this action is the united states district court . western district of Michigan . grand rapids division.

ACCORDINGLY, it is ORDERED AND ADJUDGED:

Pursuant to U.S.C. &1406[a], this case shall be transferred to the united states district court, Western District of Michigan, Grand Rapids Division , located at 399 Federal Building , 110 Michigan ST, NW, Grand Rapids MI, 49503 , for all further proceedings.

DONE AND ORDERED in Tampa , Florida , on Novermber 3, 2003

RICHARD A. LAZZARA

UNITED STATES DISTRICT JUDGE

Copy furnished to

Pro se . Plaintiff

APENDIX C

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHAGAN

SOUTHERN DIVISION

DARRYL LEE HAAN — Case No. 1:03-cv-803

Plaintiff. — Honorable David W. McKeague

v.

MICHIGAN ATTORNEY GENERAL

LEISA ARDNT. ROBERT ARDNT

KENT COUNTY FRIEND OF THE COURT

Defendant.

ORDER OF REFERENCE

The captioned case is referred to Magistrait Judge Joseph G. Scoville For all pretrial purposes. The magistrait judge shall decide all

nondispositive motions and conduct all necessary conferences pursuant to 28 U.S.C. &636{b}[1] [A]. the magistrait judge shall file a report and recommendation on all dispositve matters, including all dispositive motions now pending. pursuant to 28U.S.C. &636[b][1][B].

Dated November 19.2003

DAVID W. MCKEAGUE

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN

Plaintiff case no. 1:03-cv-803

v.

Honorable David W McKeague

MICHIGAN ATTORNEY GENERAL. et al.

Defendants

ORDER REGARDING RESPONE

TO MOTION TO DISMISS

Defendant Michigan Attorney General has moved for dismissal Pursuant to Fed.R. Civ.P. 12[b][6]. Plaintiff is hereby notified of his opportunity to submit a brief in opposition tp the motion within 28 days of the date of this order. pursuant to W.D. Mich. LcivR. 7.2[c] after that time . the motion will be considered ready for decision.

DONE AND ORDERED this 29th day of December , 2003

Joseph G. Scoville

United States Magistraite Judge

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN — case no. 1:03-cv-803

Plaintiff — Hon. David W. McKeague

v.

MICHIGAN ATTORNEY GENERAL . et al .

Defendants

ORDER REJECTING PLEADING

The court has examined the following proposed pleadings received September 29, 2004and the clerk to reject the request for a final judgement or final court date to be set, motion to add children testimony to case and proof of service and to return it to darryl lee haan for the reasons noted below:

Case was closed on 9/28/04 per memorandum opinion approving reports and recommendations and order of dismissale sighed and entered by

Judge David W. McKeague on 8/28/ 04

IT IS SO ORDERED

DATED 9/30/04 JOSEPH G . SCOVILLE

United States of America

United States District Court

For The Western District of Michigan

Southern Division

Darryl Lee Haan case No. 1, 03-C V-803

Plaintiff hon. David W. McvKeague

v.

Attorney General of the state of Michigan, et al.

Kent County Friend of the Court

Leisa Ardnt and Robert Ardnt

Defendants

REPORT AND RECOMMENDATIONS

Plaintiff filed his pro se complaint in the United States District Court Middle District of Florida. Tampa division signed October 27, 2003 . Pursuant to 28 U. S. C. & 14 06 a, plaintiffs' complaint was transferred to this court by November 3, 2003. Plaintiff named of Michigan Attorney General, kent county friend-of-the-court, leisa ardnt and Robert ardnt as defendants. Plaintiffs complaint alleges that his rights were violated by Kent County Circuit Court and that Kent County friend of court when he was denied information

on regarding his children and was not offered custody of his children when they were removed from their mother's care. and a violation of state law and his constitutional rights. Plaintiff is asking for damages resulting from the alleged con doubt of the Kent County Circuit Court and Kent County friend of court. The matter it is now before the court on the motion by defendants the Michigan Attorney General to dismissed plaintiffs complaint docket # 10. and plaintiffs' motion for entry of default against the Kent County friend -of-the-court docket # 20. The attorney general seek dismissal on grounds that plaintiff has not alleged any facts to support a claim against it or it establish jurisdiction. Fed. R.Civ.P. 12 b.1.6. plaintiff argues in his motion that a default judgment should be entered against the kent county friend-of-the-court because there has that answered the complaint.

The Kent County friend-of-the-court filed a response to plaintiffs' motion asserting improper service. However.

The Kent County friend-of-the-court also filed answer and defenses in response to the plaintiffs complain. Upon review the record. I find that the defendants motion is meritorious and recommended that all plaintiffs claims against the of the attorney general be dismissed. Additionally, I find that plaintiffs' motion is without merit and recommended to his motion be denied.

Factual allegations

The relevant facts appear from plaintiffs pro se complaint and the attached documents, which plaintiff refers to in his complaint. On or about May 31st, 1985, plaintiff, Darryl Haan, was divorced from his wife. The judgment of divorce was entered in the Kent County Circuit Court. Miss Haan was granted full custody of minor children,laura Diana Haan and Brett Lee Haan and plaintiffs receive visitation and was ordered to pay child support. Plaintiff alleges that he never receive visitation, that his request for information regarding his children were denied, and his complaints were ignored. As a result, plaintiff contends that the Kent County Circuit Court and Kent County friend-of-the-court by late state laws and his constitutional right. Plaintiff argues that the circuit court should then

given him custody or at least given him the opportunity to take custody of his children when they remove from their mother's care. instead of putting them in a foster care. Plaintiff is asking for damages resulting from the alleged time that by the Kent County Circuit Court in Kent County friend-of-the-court. Plaintiff does not allege in his complaint what action the attorney general has taken the violating his rights or state law.

standard of review

When his attorney motion to dismiss for fair to state a claim pursuant to Fed.R.Civ.P.12 b1 &6, a district court's decision to dismiss a civil complaint is a question of law subject to de novo review. C. Perry v. American tobacco co. Inc.-324 F..3d. 845, 848 6th Cir. 2003 Tropf v.fidelity nat`l title ins.co. 289 F.3d. 929, 936 6th Cir. 2002, citation omitted Dismissal is proper call me if there is no doubt that plaintiff can not provide facts that would support his claim showing that he or she is entitled relief. Stemler v.florince, 350 F.3d. 578, 590 6thCir. 2003. This court must consider the complaint in the light most fertile to the plaintiff and except of factual allegation as true. see Montgomery vs huntington bank, 346f.3d. 693, 698 6th Cir 2003. A complaint must contain either direct or indirect allegations respecting all material elements necessary to sustain a recovery

under some viable legal but theory. Michigan Southern r.r.co.v branch& St. Joseph counties rail users ass n. inc. 287. F.3d. 568 573 6th Cir 2002 quoting allard v.weitzan. 991 f2d., 1236. 1240 6th cir. 1993. Although review our rule 12 b. is limited to the well pleaded allegations of the complaint. the court may also rely attached documents specifcally referred to in the complaint. See weiner v.klais and co.. inc. . 1 08 f3d. 86. 89 6th Cir 1997. accord Booker v. GTE. Net llc.350 f3d.515519 6th Cir. 2003. following consideration of documents not included in the complaint without converting the motion into a summary judgment motion.

Discussion

In defendants motion to dismiss

The attorney general argues that plaintiff has it failed to state a claim against him. A motion to dismiss for failure state a claim Allows a defendant to test the plaintiffs' allegations and to determine whether he or she is entitled to relie. F mayer v.mylod.988f2d 635 .638 6th cir. 1993. citation omitted. In order for plaintiff to survive a motion to dismiss his complaint must contain either direct or indirect

allegations respecting all material elements necessary to sustain a recovery under some viable legal theory. Michigan Southern r.r.co v. branch & St. Joseph Counties rail users ass, ninc.287 f 3d 568,573 6th Cir 2002. internal quotations omitted. Plaintiffs complaint fair to make any allegations against the attorney general. The complaint. does not contain any allegations or viable legal theory that would allow the court to even infer a claim against him. Dismissal is proper in plaintiff can not show that he is entitled to relief through facts to support the allegation in his complaint. Brown v. Bargery, 207 f 3d. 863,867 6th Cir 2000. Plaintiff has not made any allegations against the attorney general. and in order to recover under a 42 U. S. C & 1983 violation. assuming this is plaintiffs claim, there must be a deprivation of rights guaranteed by constitutional under color of law. Waters v. city of Morristown. TN.242 f3d.353,358 6th Cir.2001. citation omitted.

dunn v Tennessee.697 f 2d 121.125. 6th Cir .1982. Because plaintiffs complaint merely names the attorney general as a defendant. without alleging any constitutional violations against him. it is subject to dismissal. see Potter v. Clark.497 f 2d 1206.1207. 7th Cir 1974; Murray

v. cityof Chicago.no.02c8387.2003 wl 21641943.at *2 ND iii July 10 2003. unpublished. Gardner v. Brown. no4:90cv135.1991 WL 341747 . at *2 WD mich mar.14 1991. unpublished,. Therefore, I recommend dismissal of the attorney general. because plaintiffs complaint does not state a claim against.

Motion for entry of default

Plaintiff has filed a motion to enter a default against the Kent County friend-of-the-court for failing to file a response to his complaint. It can carry from a court filed a response to plaintiffs' motion urguing improper service. However. the friend-of-the-court also filed an answer and defenses to plaintiffs' complaint with its response to plaintiffs' motion. Plaintiffs failed to serve the friend-of-the-court s required by federal rule 4. Federal rule 4 requires that service and I and a governmental organization be made I its chief executive officer fed.r.civ.p.4j.2 corn. made pursuant to state law. Under the Michigan Court rules. service Attorney Cheri defendant maybe made by Sir any sermons and a copy of the complaint on 1 the chair person of the board of commissioners or the county clerk

of a court.mcr 2.105 g 1 plaintiffs and his complaint to the Kent County friend-of-the-court by express Mail. The complaint in the case was signed for by any individual all is not a Kent County employee. Without proper service, this court does not have jurisdiction to enter a default against the Kent county friend of-the-court pursuant to Federal Rule 55 a. See O.J. distributing. inc v. hornell brewing co..inc..340 f. 3d 345.353 6th Cir2003. amen v. city of Dearborn. 532f2d 554 557 6th cir 1976. Sandoval v. bluegrass Regional mental retardation board.229 f 3d. 1153. at *5, 2000 WL Edberg 1257040 6th Cir . july 11 2000 . unpublished.

Fed rule 55 states that did default is properly a party

fails to plead or otherwise defend. Fed Civ p. 55 . in this case. the defendant was not given notice of its need to plead or defend until it received plaintiffs' motion to enter default. Once notice was received. the kent county friend-of-the-court filed an answer and defenses in response to plaintiffs' complaint.

Therefore. I recommend that the plaintiffs' request for entry of default be denied.

Recommended disposition

For the foregoing reasons. I recommend that the defendants motion to dismiss docket # 10 be granted and the complaint be dismissed against the Michigan Department of Attorney General. Further, I recommend that plaintiffs motion to enter default docket #20 be denied.

Dated March 26. 2004

Joseph G. Scoville

United States Magistrate Judge

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN case no. 1:03-cv-803

Plaintiff, Honorable . David W. McKeague

v.

MICHIGAN ATTORNEY GENERAL , et al

Defendants

ORDER REGARDING RESPONSE TO SUMMARY

JUDGEMENT MOTION

Defendants Kent County Friend of the Court has moved for summary judgement pursuant to Fed R.Civ.P.56. Plaintiff is hereby notified of his opportunity to submit affidavits, documents or other materials in opposition to the motion within 28 days of the date of this order, pursuant to W.D. Mich. LcivR 7.2[c]. after that time , the motion will be considered ready for decision.

DONE AND ORDERED this 24th day of JUNE , 2004

JOSEPH G. SCOVILLE

Unites States Magistraite Judge

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUNTHERN DIVISION

CASE NO 1:03-CV-803

DARRYL LEE HAAN HON. DAVID W. MCKAEGUE

PLAINTIFF

v.

ATTORNEY GENERAL OF THE STATE OF MICHIGAN, et al

DEFENDANTS

REPORT AND RECOMMENDATION

Plaintiff filed his prose complaint in the United States District Court Middle District of Florida, Tampa Division Plaintiff paid the applicable filing fee, so his complaint was not subject to screening Under 28 U.S. C. & 1915. On November 3, 2003 the United States District Court for the Middle District of Florida issued an order transferring the case to this court. (Docket #4). Plaintiff named Michigan's Attorney General, Kent County Friend of the Court, his ex-wife Leisa Arndt, and her husband Robert Arndt as defendants.

Plaintiff's complaint is related to state-court child custody and support proceedings occurring in Kent County District Court primarily during the mid-1980's concerning the then minor children Brett and Laura Haan, born to the marriage of plaintiff and Leisa Haan. Plaintiff requests $50 million dollars in damages.

On March 26, 2004, I issued a report and recommendation (docket #31) recommending that the court grant the Michigan Attorney General's motion to dismiss. Judge McKeague has not yet had the opportunity to issue a decision addressing plaintiff's objections to the report and recommendation, (docket #33,34). Plaintiff has never achieved service in this case against Leisa or Robert Arndt, nor have they appeared. The matter is new before me on a June 23, 2004 motion for summary judgment filed by the Kent County Friend of the Court (docket #39) and multiple motions by plaintiff. (docket #'s 9, 36, 45,65, 68, 71, 72, 79). On June 24,2004, the court issued an order advising plaintiff of his opportunity to file a response to defendant's motion for summary judgment., (docket #43). Plaintiff has filed multiple responses, (docket #'s 44, 47, 49, 51,53,57,59,61,69,76,77) Upon review, I recommend

that defendant's motion be granted and that plaintiff's complaint against all defendants be dismissed for lack of subject mater jurisdiction. I further recommend that plaintiff's claims against Leisa and Robert Arndt be dismissed on the alternative basis of plaintiff's failure to achieve service. I recommend that plaintiff's motion requesting that the court set a trial date (docket #'s 9,45,65,68,71,72,79) be denied as frivolous.

Applicable Standards

Summary judgment is appropriate when the record reveals that there are no issues as to any material fact in dispute and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P 56 (c): Shah v. Deaconess Hosp., 355 F.3d 496,498 (6th Cir. 2004); Gettings v. Building Laborers Local 310 Fringe Benefits Fund. 349 F. 3d 300, 305 (6th Cir. 2003); Carter v. University of Toledo, 349 F 3d 269, 272 (6th Cir. 2003). The standard for determining whether summary judgment is appropriate is "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a mater of law." Terry v. LaGrois, 354 F. 3d 527, 530 (6th Cir. 2004) (quoting Anderson v. Liberty Lobby Inc., 477 U.S. 242, 251-52 (1986); see Martingale LLC v. Louisville, 361 F. 3d 297, 301 (6th Cir. 2004).

The court must consider all pleadings, depositions, affidavits, and admissions on file, and draw all justifiable inferences in favor of the party opposing the motion. See Matsushita Elec. Indus. v. Zenith Radio Corp, 475 U.S. 574, 587 (1986); DiCarlo v. potter, 358 F.3d 408, 414 (6th Cir. 2004). The party moving for summary judgment bears the initial burden of pointing out to the district court, that there is an absence of evidence to support the nonmoving party's case, but need not support its motion with affidavits or other materials "negating" the opponents claim.

See Morris v. Oldham County Fiscal Court, 201 F. 3d 784, 787 (6ht Cir. 2000). Once defendant shows that "there is an absence of evidence raising a triable issue of fact, " Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). "A mere scintilla of evidence is insufficient, there must be evidence on which a jury could reasonably find for the (non-movant), Summers v. Leis 368 F.3d881, 885 (6th Cir. 2004) (quoting Anderson, 477 U.S. at 252).

Facts

The following facts are beyond genuine issue. On May 31. 1985. a judgment of divorce was entered in the Kent County Circuit Court dissolving the marriage of plaintiff and Leisa Haan. See Leisa Haan v. Darryl Haan, 84-53323-DM (Kent County Circuit Court May 31, 1985). Leisa Haan subsequently married Robert Arndt and changed her name to Leisa Arndt. The May 31. 1985 Kent County judgment of divorce recited that it was in the best interests of the then-minor children, Laura Haan and Brett Haan, to remain in the care, custody and control of their mother until Laura attained the age of eighteen in August 2001 and Brett reached the age eighteen in August 2002. The same judgment ordered plaintiff to pay child support in the amount of $34 per week until the children attained the age of eighteen or graduated from high school, whichever came first.

On March 1, 2004, the Pasco County, Florida, Circuit Court mailed to plaintiff a notice of registration of foreign support order, reflecting that as of December 29, 2003, plaintiff had amassed a $61,142.60 arrearage upon his Michigan child support obligation. On June 30, 2004, the Pasco County Circuit Court issued a notice of hearing

in the case of Department of Revenue o/b/o Leisa Arndt v. Darryl Lee Haan, no. 04-1185-DR. The court's notice advised plaintiff that on August 12, 2004, a hearing would be held on the petitioner's motion to establish arrearage and arrearage payment before the child support hearing officer.

Plaintiff filed his complaint on October 27, 2003. Laura Haan was twenty-one years old and Brett was twenty years old on the date the complaint was filed. Plaintiff attached as an exhibit to his complaint a letter dated August 5, 2002, addressed to judges of the Kent County Circuit Court and others, regarding case nos. 84-53323-DM-8, 85-1732-01-NC; 85-1732-02-NA, and demanding $50 million dollars, based upon purported violations of plaintiff's rights stemming from the 1985 divorce judgment and decisions made by the state courts concerning the custody of Laura and Brett Haan. It is apparent that in 1985 or 1986 state court proceedings occurred wherein Leisa lost custody of Laura and Brett, and the Haan children were placed in foster care. Plaintiff admits that he was summoned by the court to appear and was present during these court proceedings. Plaintiff does not claim that he ever pursued an appeal of any of the state-court decisions regarding his child

support obligation or the custody of his children.

On September 18, 1998, the Michigan Court of Appeals issued its decision in re Haan, No. 208205, 1998 WL 1989968 (Mich. Ct. App. Sept. 18, 1998). The caption of this case indicates that the lower court decision concerned minors Laura Haan, Brett Haan, and three other minors, Robert Arndt Jr. Nicole Arndt and Christopher Arndt. In the lower court, Michigan's Family Independence Agency was the petitioner. Leisa Arndt, Robert Arndt, and the plaintiff elected to participate in any state-court appeal. The above-referenced decision by the Michigan Court of Appeals was limited to addressing Leisa Arndt's appeal as of right "from a juvenile court order terminating her parental rights to Robert Arndt Jr., Nicole Arndt, and Christopher Arndt," 1998 WL 1989968, at # 1. The Michigan Court of Appeals affirmed the lower court's decision terminating Leisa Arndt's parental rights with regard to the three Arndt children.

Discussion

1. Kent County Friend of the Courts Motion for Summary Judgment.

Plaintiff argues that the Kent County Friend of the Court did not send him adequate receipts or totals concerning the child support payments for the years that his children were in foster care, and that plaintiff currently has "no idea" how much child support he has paid.

Plaintiff admits that at times he stopped payment of child support altogether to "get the (state) court's attention." Plaintiff contends that actions or inactions by the Kent County Friend of the Court with regard to his child support obligation and the custody and visitation rights under the divorce judgment were contrary to various subsections of Mich. Comp. Laws. 400.233. Upon review, it is a patent that this court lacks jurisdiction over plaintiff's purported claims.

Federal courts are courts of limited jurisdiction, which may exercise only those powers authorized by Constitution and statute. Kokkonen v. Gaurdian Life Ins.Co.of America, 51 U.S 375, 377 (1994). Therefore, "it is to be presumed that a cause lies outside this limited

jurisdiction. and the burden of establishing the contrary rests upon the party asserting jurisdiction." Kokkonen, 511U.S at 377 (citations omitted). The first and fundamental question presented by every case brought to the federal courts is whether it has jurisdiction to hear a case. even where the parties concede or do not raise or address the issue. See Bender v. Williamsport Area Sch. Dist., 475 U.S. 534, 541 (1986). "Quite aside from whether the parties raise jurisdictional issues themselves, or even attempt to consent or agree to federal jurisdiction, federal courts have an independent obligation to investigate and police the boundaries of their own jurisdiction." Douglas v. E.G. Baldwin Assoc., Inc., 150 F.3d 604, 606 (6th Cir. 1998); see Community Health Plan of Ohio v. Mosser, 347 F. 3d 619.622 (6th Cir. 2003). ("Any court may address the issue of subject matter jurisdiction at any time, with or without the issue being raised by a party to the action.")

Plaintiff has the burden of proving this court's subject-matter jurisdiction. See COB Clearinghouse Corp. v. Aetna Healthcare, Inc., 363 F.3d 877,881 (6th Cir. 2004); Hudson v. Coleman, 347,F3d 138,141 (6th Cir 2004). "Specifically, the plaintiff must show that the complaint alleges a claim under federal law, and that the claim is 'substantial.' " Michigan Southern R.R. Co. v. Branch & St. Joseph Counties Rail Users Ass'n. Inc., 287F3d 568,573 (6th Cir 2002); see Musson Theatrical, Inc. v. Federal Express Corp., 89F3d 1244,1248 (6th cir. 1996). Mere reference to a federal statute does not establish federal jurisdiction. Michigan Southern, 287F3d at 574.

This court does not possess direct oversight powers over Michigan's courts. See Hood v. Keller, 341F.3d 593.597 (6th Cir. 2003); see also Wabeke v. Mulder, No. 03-2235.2004 WL 1380064, at #1 (6th Cir. June 17, 2004). The recourse available to plaintiff in response to an adverse decision of a state trial was an appeal to the Michigan Court of Appeals, an application for leave to appeal to the Michigan Supreme Court, and if necessary, a writ of certiorari from the United States

Supreme Court. It is patent that this court lacks jurisdiction to review the state-court decisions plaintiff attempts to challenge in this lawsuit. See District of Colunbia Circuit Court of Appeals v. Feldman, 460U.S. 462. 483 n. 16 (1983); Rooker v. Fidelity Trust Co.. 263 U.S.413. 415-16 (1923). "The Rooker-Feldman doctrine...holds that lower federal courts lack subject matter jurisdiction to engage in appellate review of state court proceedings." Peterson Novelties Inc v. City of Berkley. 305 F3d 386. 390 (6th Cir. 2002). In practice. this means that when granting relief on the federal claim would imply that the state-court judgment on the other issues was incorrect. federal courts so not have the jurisdiction. Hood. 341 F 3d at 597. Plaintiff's claims against all defendants are 'inextricably intertwined' with issues decided in state court proceedings. See Pieper v. American Arbitration Ass'n . 336F3d 458,460 (6th Cir. 2003)("When granting relief on the federal claim would imply that the state-court judgment on other issues was incorrect. federal courts do not have jurisdiction...."). cert. denied. 124 S. Ct. 1420 (2004); see also Marshall v. Bowles. No. 03-5818. 2002 WL 515915. at #1 (6th Cir. Mar.

15,2004); Baker v. Michigan Family Independence Agency, No. 03-1022,2003 WL 21674747, at #1 (6th Cir. July 16, 2003); Riser v. Franklin County Court of Common Pleas, No. 02-4309, 2003 WL 21774011, at #1 (6th Cir. July 30, 2003) (district court properly found plaintiff's claims barred by the Rooker-Feldman doctrine because he sought to relitigate his prior state court actions, even though his intent to do so was veiled by nominal allegations of constitutional violations); Akers v. Bishop, No. 02-6235, 2003 WL 21019171, at #2 (6th Cir.), cert denied, 124 S. Ct. 431 (2003).

Furthermore, for nearly a century and a half, the Supreme Court has held that the federal courts lack jurisdiction over questions of divorce, alimony, or child custody. See Barber v. barber, 62 U.S. (21 How.) 582,584(1858); see also Drewes v. Ilnicki, 863 F.2d 469, 471 (6th Cir. 1988); Denman v. Leedy, 479 F.2d1097, 1098 (6th Cir. 1973)(per curiam). "Even when brought under the guise of a federal question action, a sit whose subject is domestic relations generally will not be entertained in a federal court."

Firestone n Cleveland Trust Co. , 654 F.2d1212, 1215, 6th Cir. 1981 Question of Divorce are within the exclusive Province of the state courts, McLaghlinv. Cotner, 193 F.3d410,412 6th Cir. 1999. the hole subject of the domestic relations of husband and wife , parent and child, belongs to the laws of the state and not to laws of the united states. In re Burns, 136 U.S. 586,593-94, 1980 ,

see

Partridge v Ohio, 03-3389,2003 WL 22474620, at *1 6th Cir. Sept 4, 2004 , federal courts lack jurisdiction where the action is mere pretence and suit is actually concerned with domestic relations issuses , evans v Klaeger , no 00-4353, 2001, WL700825, at **1 6th Cir. June 12, 2001, mensah v st joseph county family independence agency , no, 98-1726, 1999 WL 623733, a**2 6th Cir. Aug.11, 1999. The Supreme Court has consistently reaffirmed the longstanding doctrine that the federal courts lack power to issues divorce , alimony and child custody decrees . see Ankenbrandt v Richards, 504 U.S. 698,703-07 1992. I recommend that plaintiffs complaint against all defendants be dismissed for lack of subject matter jurisdiction.

DEFENDANTS LEISA ARDNT AND ROBERT ARDNT

Rule 4,. M of the Federal Rules of Civil Proceedure provides that , if service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint , the court , upon motion or on its own initiative after notice to the plaintiff , shall dismiss the action without prejudice as to that defendant , plaintiff filed his complaint on October 27, 2003 . plaintiff period within which to achieve service upon these defendants expired on Febuary 25, 2004 , I recommendation services as notice to the plaintiff of pending dismissal of his claims against these defendants for failure to achieve service, see fed R Civ.P 4 m.

PLAITIFFS MOTIONS

Plaintiffs motion for the court to set a trial date , docket #36 should simply be denied as moot , while all plaintiffs other pending motions could be denied on the same basis, upon review , I recomeend that plaintiffs motions be denied as frivolous.

On July 13, 2004, plaintiff filed a motion to have that can't townie friend-of-the-court held in contempt for purportedly did the violating a federal protective order. (docket # 65 }. Plaintiffs attached to his motion a copy of the June 30, 2004 notice of a hearing issued by Pasco County, Florida circuit court advising plaintiff that a hearing will be conducted on August 12, 2004, to it establish plaintiffs child -support arrearage and arrearage payment. Plaintiffs' motion to have a defendant held in contempt reflex plaintiffs belief that his in initiation of this civil law suit some how precluded legal proceedings against him in the Florida courts. In defiant terms, plaintiffs' motion states verbatim as follows:

I, Darryl Lee Haan, will attend this hearing and advise the Department of Revenue, state of Florida of the end and a violation of a federal protection order, and placed the Department of Revenue and of the state of Florida under federal arrest, for violating a of a federal protection order from the United States District Court, Western District of Michigan, Southern division, if the Department of Revenue, of the state of Florida, does not reframe from harassment and filing

anything against,Darryl Lee Haan, until, I, may appear before Hon. David W.McKeague and his court, to present my case 1;03-cv-803, at that date of trial of civil suits and federal criminal charges. Docket #65. this court has never issued a protective order in plaintiffs'favor and plaintiffs notice this fraudulent. There is simply no basisupon which to find any party or non- party to this lawsuit in contempt of a court order that does not exist, much less any authority for a private individual to arrest Florida's Department of Revenue.
I recommend that plaintiffs' motion be denied as frivolous.

Plaintiff has filed a document labeled access a motion for protective order. Docket #9. The motion was not accompanied by a proof of service indicating that plaintiff had served this document upon defendants.The purported motion was not accompanied by any brief , and the entire document consists of three short paragraphs which fell to cite any supporting Legal authority. Plaintiffs' motion reflects his concern that Michigan authorities will arrest him if he appears with in the state of Michigan, and asserts that it would be difficult for him to conduct this civil lawsuits if he was held in state

custody. Michigan detainee's and prisoners retain access to this court, and their law suits are a sighifacant portion of the cases filed and maintained in this court. Plaintiffs request that this court, under theguise of some sort of protection order in a civil case, enjoy the state of Michigan fromenforcement of its criminal and civil contempt laws against plaintiffs, is devoid of legal support and should be rejected as utterly frivolous.

Plaintiff has filed a series of motions asking this court to bring criminal charges against defendants. Docket#s 45,68,71,72,. the Judiciary is obviously not the branch of the government of the United States charged with the responsibility of initiating a federal criminal prosecutions.As a defendant correctly pointed out docket #63, and a request to havea federal criminal charges initiated should against defendants be addressed to the United States Attorney's Office, which is part of theexecutive branch. Uncertain

Plaintiffs most recent motion is a request that this court transfer plaintiffs lawsuits back to the United States District Court for the Middle District of Florida, Tampa division. Docket #79. plaintiff has not identified any legal basis for ordering the requested transfer. Sections 14 04 or 14 06 obviously doing that authorized transfer from this court to another federal court equally lacking subject matter jurisdiction. See 28 U. S. C. && 14 04, 14 06, Mills v. main, 118 F.3 D 37, 51 1st Cir. 1997 . a court without subject matterjurisdiction can not transfer a case to another court.

RECOMMENDED DECIISIONS

For the reasons set forth herein, I recommend that plaintiffs mo:ion

for the court to set a trial date DOCKET #36, be denied as a moot, and that all plaintiffs other pending motions, docket #s 9, 45, 65, 68, 71, 72, 79, be denied as frivolous. I further recommend that the motion for summary judgment by defendant Kent County friend of the court docket 39, be granted, and that all plaintiffs claims against all the defendants be dismissed for lack of subjects matter jurisdiction. I further recommend that plaintiff claims against defendants Leisa ardnt and Robert ardnt the dismissed on the alternative basis of plaintiffs failure to achieve service of process upon these defendants.

Dated July 30, 2004

Joseph G. Scoville

United States Magistrate Judge

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN case no. 1:03-cv-803

Plaintiff, HON. David W. McKeague

v.

MICHIGAN ATTORNEY GENERAL, et al.

Defendants.

MEMORANDUM OPINION

APPROVING REPORTS AND RECOMMENDATIONS

Proceeding prose, Plaintiff Darryl lee Haan complains of actions taken in connection with child custody, visitation and support obligations relating to two children fathered by plaintiff in a marriage that was dissolved in 1985. Defendant Attorney General of the State of Michigan has moved to dismiss plaintiff's complaint as far as it pertains to him. In addition, plaintiff has moved foraward of default judgement on his claims against Kent County Friend of The Court. Defendant Kent County Friend of The Court has, in turn, moved for summary judgement. Defendants Leisa dawn Ardnt, mother of the two

children . and her subsequent husband . Robert Ardnt . have not been served with process. The United States Magistraite Judge has reviewed the above matters pursuant to 28U.S.C.&636 [b] and has issued two reports and recommendations . recommending ultimately that the action be dismissed in its entirety for lack of subject matter jurisdiction. Plaintiff has filed objections which the court . upon denovoreview. finds to be meritless. Plaintiff's objections do not in any way undermine the integrity of the reports and recommendations . wich the court findsto be wellreasoned and in accord with applicable law.Accordingly , both reports and recommendations will be adopted as opinions of the court and this action will be dismissed for lack of subject matter jurisdition . upon finding that jurisdition is lacking . further adudication is precluded and the Court has no alternative but to dismiss the action. Willy v. Coastal Corp. 503U.S>131.137[1992] all other pending motions will be therefore denied as moot. See Madison – Hughs v. Shalala. 80 F3d. 1121.1131[6th Cir.1996]. an order consistent with this opinion shall issued forthwith.

Dated September 28. 2004 DAVID W. MCKEAGUE

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMAERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN case no. 1:03-cv-803

Plaintiff, Hon. David W. McKeague

v.

MICHIGAN ATTORNEY GENERAL, et al

Defendants.

ORDER REJECTING PLEADING

The Court has examined the following proposed pleadings received August 23, 2004 and orders the clerk to reject the response and proof of service and to return it to Darryl Lee Haan for the reasons noted below:

Plaintiff failed to provide oringinal signature on documents .

If the offering party wishes to resubmit a corrected pleading . a copy of this order should accompany the resubmitted pleading.

IT IS SO ORDERED

Dated 8/31/04 Joseph G. Scoville

U.S. Magistrait Judge

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN case no. 1:03-cv-803

Plaintiff. Hon. David W. McKeague

v.

MICHIGAN ATTORNEY GENERAL , et al.

Defendants.

ORDER REJECTING PLEADING

The court has examined the following proposed pleadings received September 29 , 2004 and orders the clerk to reject the request for a finaljudgement or final court date to be set , motion to Add children testimony to case and proof of service and return it to darrul lee haan for the reasons noted below:

Case was closed on 9/28/04 per memorandum opinion approving reports and recommendations and order of dismissal sighed and entered by Judge David W. McKeague on 9/28/04

IT IS SO ORDERED Joseph G. Scoville

Dated 9/30/04 U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DARRYL LEE HAAN

Case no 1:03-cv-803

Plaintiff

Hon. David W. McKeague

v.

ATTORNEY GENERAL OF MICHIGAN ,et al.

Defendants

ORDER OF DISMISSAL

In accordance with the Court 's memorandum opinion of even date IT IS HEREBY ORDERED ,that the reports and recommendations . Of the magistrate judge , dated March 26 2004 , and July 29 2004, Are ADOPTED as the opinions of the court, and , IT IS FURTHER ORDERED , consistent with the reports and recommendations, That plaintiff's complaint is dismissed in its entirety for lack of matter jurisdiction , and IT IS FURTHER ORDERED , that all other pending motions are DENIED as moot.

David W. McKeague

Dated , September 28, 2004

U.S. District Judge

1.

UNITED STATES DISTRICT COURT FOR THE WESTERN

DISTRICT OF MICHIGAN

DARRYL LEE HAAN

Plaintiff

Case no 1:03-cv-803

v.

ATTORNEY GENERAL OF THE STATE OF MICHIGAN

Et. al

Defendants

NOTICE OF APPEAL

Notice is hereby given that Darryl Lee Haan . hearby appeal to the United States of Appeals for the sixth Circuit from Hon DAVID W . MCKEAGUE DISSMISSING CASE entered in this action on the 28 day of SEPTEMBER . 2004

Joel D. Mcgormley & Paul Greenwald

Po box 30758 & Po Box. 352

Lansing . Michigan & Grand Rapids, Michigan

48909 & 49501-0352

cc. opposing Counsel

Court Of Appeals dated OCT. 4 . 2005

NO. 04-2261

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

ORDER

DARRYL LEE HAAN

Plaintiff / appellant July 26 , 2005

v.

MICHIGAN ATTORNEY GENERAL ,et al .

Defendants / Appellees

Before , KENNEDY , CLAY , and GILMAN , Circuit Judges

Darryl Lee Haan appeals a district court judgment that dismissed his civil rights complain filed under 42 U.S.C. & 1983 for lack of subject matter jurisdiction. This case has been referred to a panel of the coŭrt pursuant to rule 34(j) (l), rules of the Sixth Circuit. Upon examinations, this panel unanimously agrees, that oral argument is not needed. Fed. R. App. P. 34(a).

Haan filed his complaint in the United States District Court for the Middle District of Florida, alleging that his civil rights and his rights under the state law were violated in state court domestic relations litigation. Haan named as defendants, the Attorney General of the state of Michigan, the Kent County Friend of the court, and two individuals, and sought $50,000,000.00 in damages. The United States District Court for the Middle District of Florida transferred the case to the United States District Court for the Western District of Michigan, and the Michigan Attorney General moved to dismiss plaintiffs complaint.

Plaintiff responded in opposition and moved the district court for an entry of default with respect to the defendant Kent County Friend of the Court. After the Kent County Friend of the Court responded in opposition, the magistrate judge recommended that the Michigan Attorney General's motion to dismiss be

granted, and that plaintiffs motion for default be denied, and plaintiff filed objections. The Kent County Friend of the Court then moved for summery judgment , and the magistrate Judge's recommendations and dismissed the complaint for lack of subject matter jurisdiction. Haan filed a timely notice of appeal.

On appeal, Haan reiterates his contention that his rights were violated in the state court domestic relations litigation, and contends that the district court should have granted him a default judgment against the defendant Kent County Friend of he Court. Defendants essentially respond that the district court's judgment was proper. In addition, Haan has filed motions to require oral argument and for injunctive relief.

Generally, this court reviews de novo a district court judgment that dismissed a complaint for lack of subject matter jurisdiction. Duncan v. Rolm Mil-Computers, 917F.2d261,263 (6th Cir. 1990): Moir v. Greater Cleveland

. Reg'l Transit Auth.,895F.2d266(6th Cir. 1990). Here, the district court correctly and properly dismissed the complaint.

Generally, federal courts have no jurisdiction over domestic relations maters. See Ankenbrandt v. Richards, 504 U.S. 689, 703 (1992): Catz v. Chalker, 142F.3d279,290 (6th Cir.(1998) . Rather, state courts have exclusive jurisdictions over these matters. See Ankenbrandt, 504 U.S. at 703-04: Kelm v. Hyatt, 44 F.3d415, 420 (6th Cir. 1995).

Although

this domestic relations exception to federal jurisdiction does not apply to a civil action that merely has domestic relation s overtones, see Drewes v. Ilnicki, 863 F.2d 469,471 (6th Cir. 1988), federal courts lack jurisdiction where the action is a mere pretense and the suit is actually concerned with domestic relations issues. Id. To the extent that plaintiff seeks federal review of state court litigation that he lost before this complaint was filed, federal courts lack subject

matter jurisdiction to consider plaintiff's claims under the Rooker- Feldman doctrine. See Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 125 S. Ct. 1517,1526 (2005); D.C. Court of Appeals v. Feldman, 460 U>S> 462, 482 & n.16 (1983),:Rooker v. Fid. Trust Co., 263 U.S. 413,415-16 (1923).

Here, the district court correctly declined to address plaintiff's claims. Plaintiff's contentions that he somehow was denied his federal constitutional rights in state court litigation are conclusory. Rather, a fair reading of the plaintiff's complaint and his brief on appeal reveals that the instant case essentially is a pretense to obtain federal review of domestic relations matters. In addition, plaintiff's complaint constitutes an impermissible attack on state court proceedings. Under these circumstances, the district court correctly concluded that it lacked jurisdiction to review plaintiff's claims.

Plaintiff's remaining claim on appeal lacks merit. An entry of default is the first procedural step necessary in obtaining a default judgment. See Fed. R. Civ. P. 55(a); Shepard Claims Serv., Inc. v. William Darrah & Assoc., 796 F 2d 190, 193 (6th Cir. 1986). However, plaintiff did not file an affidavit requesting the entry of default in this case as required by Fed. R. Civ. 55(a) &(b)(1).

Moreover, given the district court's determination that it lacked subject matter jurisdiction in this case, an entry of default would not have been appropriate pursuant to Rule 55(a). See 10A Wright, Miller, Kane, Federal Practice and Procedure: Civil 3d & 2682. Under these circumstances, the district court did not abuse its discretion in concluding that plaintiff was not entitled to an entry of default in this case.

See Punis v.

Mission Hills Bank, N.A., 60 F 3d 1486, 1494 (10th Cir. 1995). Finally, Haan's motions on appeal also plainly lack merit.

For the foregoing reasons, the motions on appeal are denied, and the district court's judgment is affirmed. See Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

CLERK

No. 04-2261

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

DARRYL LEE HAAN ORDER

Plaintiff/ Appellant

SEPTEMBER . 08. 2005

v.

MICHIGAN ATTORNEY GENERAL . et al.

Before KENNEDY . CLAY and GILMAN . Circuit Judges

Darryl Lee Haan . petitions the court to rehear its july 26.2005 . Orderthat affirmed a district court judgement that dismissed his civil rights complaint filed under 42 U.S. C. & 1983 for lack of subject matter jurisdiction . Upon consideration . the panel concludes that it acted under no misapprehension of law or fact that warrants a rehearing . Fed. R. App. P.40. a Accordingly. the petition for a rehearing is denied .

ENTERED BY ORDER OF THE COURT

CLERK .

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

NO. 04-2261

DARRYL LEE HAAN

September 21. 2005

Plaintiff - appellant

v.

MICHIGAN ATTORNEY GENERAL . et al.

Defendant - Appellees

MANDATE

Pursuant to the courts dispostion that was filed 7/26/ 05

The mandate for this case hereby issues today

Cost - none

Filing fee------- 0 attest

Printing --------- 0

Total -------- 0 deputy clerk

NO.

IN THE SUPREME COURT OF THE UNITED STATES

DARRYL LEE HAAN PETITIONER

v.

MICHIGAN ATTORNEY GENERAL . et al RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO

THE U.S. SUPREME COURT

CASE NO. 04-2261 U.S. COURT OF APPEALS

FOR THE SIXTH CIRCUIT COURT

THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

CASE NO. 103-CV- 803

PETITION FOR WRIT OF CERTIORARI

DARRYL LEE HAAN

10118 JUNGLE ST

NEW PORT RICHEY . FLORIDA. 34654

727- 809-0832

United States Supreme Court

in the United States of America

Washington D.C.

Darryl Lee Haan

petitioner

v.

State of Michigan Attorney General.et al

respondents

evidence and facts

Hiding the truth from Darryl Lee Haan, about children being abused and in the foster care, or being molested, without terminating parental rights, or, notifying a parent is a very highly gross negligence, horrific unspeakable gross violation of parental rights and constitutional rights of the 14th amendment, right to due process in a court of law. These violations, are criminal, civil, illegal, against state laws, and guidelines set forth by our government, to protect our United States citizens and children from harm, danger, pain and suffering with rights for life, liberty, justice for all.

288 of 1939

712 a.19 b termination of parental rights to which child, 712 a. 3a. probate Code of 1939, act 288 of 1939, reflex, the state attorney obligation to notify parents of every , or any hearing about or well-being of a minor child and blood parent rights.

The state of Michigan, laws, guidelines, require all this be done before placement of foster care, to protect children and parents rights and in a court of law., in the United States America.

All court records in the case before the United States Supreme Court and justices today, very clearly show the petitioner is correct, and has every legal right to recover for pain suffering and damages for violations of parental rights and constitutional law, 14 th amendment, the right to due process in a court of law.

Amount of 50 million. for damages, pain and suffering

and violations of rights.

Amount of 5 million. for legal fees, as of today.

I. petitioner. Darryl Lee Haan.

asking the United States Supreme Court, to grant this the

writ of Certiorari, on the grounds and facts of court records.

and evidence on record the cases 103 CV 803, 04-2261.

Date , *2006* *signed*

APR: 18, 2006

DARRYL LEE HAAN

Darryl Lee Haan

PROOF OF SERVICE

DARRYL LEE HAAN

10118 JUNGLE ST

NEW PORT RICHEY . FLORIDA . 34654

PETITIONER

RESPONDENTS

PAUL GREENWALD

ATTORNEY FOR KENT COUNTY FRIEND OF THE COURT

333 BRIDGE ST. N. W.

PO BOX 352

GRAND RAPIDS . MICHIGAN 49501-0352

JOEL D. MCORMLEY

MICHIGAN ASSISTANT ATTORNEY GENERAL

PO BOX. 30758

LANSING . MICHIGAN

48909

OFFICE OF SOLICITOR GENERAL

950 PENNSYLVANIA AV N.W. 20530-0001

I . Darryl Lee Haan . has served all Party's by United States

Postal Service . on . 2006 first class mail . certified .

April 18, 2006

Darryl Haan